



**MORTON LEIFER PE.**  
**ELECTRONIC COMMUNICATIONS SPECIALIST**  
**TOWN OF CLARKSTOWN**

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March 10, 2016

Marlene H Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: WT Docket No. 12-40

Dear Ms. Dortch

On March 10, 2016, I the undersigned Morton Leifer (via teleconference), Michael Wilhelm, PSHSB, Policy and Licensing Division, Brian Marengo, PSHSB, Policy and Licensing Division, Moslem Sawez, WTB, Mobility Division, Thomas Derenge, WTB, Mobility Division, Farokh Latif, Director, APCO International-AFC, Billy Carter, Chairperson, National Radio Planning Committee (NRPC) met to discuss certain Public Safety Issues.

As Vice-Chair of Radio Planning Committee (RPC-8), I have received several well documented reports of interference and severe degradation to 800 MHz Public Safety LMR subscriber units when they are proximate to ESMR facilities.

As a member of the Town of Clarkstown's Antenna Advisory Board (AAB), where ESMR applications are evaluated for Zoning, Structural, Environmental, Coverage Contour and EMF Compliance issues, I have attempted to include RF parameters such as ERP/Sector, especially on their 700 MHz and 800 MHz installations to determine the potential for interference to our Town's 800 MHz Police Dispatch channel. While I have received the requested information from the Carriers, they have clearly indicated that they have provided the requested information as a courtesy, and do not feel they are obligated to do so.

Considering the interference already being experienced by several Public Safety agencies in our Region, and the proposed very high ERP of nearly 2000 Watts/Sector, with ground signal levels approaching -13 dBm near their proposed facilities, I suggested to the applicants that an On-Off test be performed to determine potential degradation to our Public Safety Subscriber Units and that they adjust their ERP to minimize it. I explained to the participants of this teleconference that the nature of the tests involved measuring the Bit Error Rate (BER) and RSSI which could be accomplished quickly in the field.

Citing a "*Memorandum Opinion and Order*" in "*WT Docket No. 02-100*" that related to *interference*. That FCC Order concluded that any local ordinance requiring a certification of non-



*interference related to a wireless antenna siting application represents “impermissible regulation” of RF interference, an area under exclusive FCC jurisdiction and federally-preempted local regulation”,* the carriers absolutely refused to discuss interference or consider voluntary interference testing with our AAB members.

There were opinions expressed by the teleconference participants that nationwide on-off interference testing of all new and expanding LTE facilities would delay the permitting process and also be prohibitively expensive.

I indicated that our Town’s AAB is being forced into a position where we have no choice but to grant a permit for LTE sites with the knowledge that our action could likely put our First Responders in jeopardy.

There was a discussion about the very large installed base of Public Safety subscriber units that continue to have front ends that tune well beyond the 800 MHz Public Safety band and into the ESMR portion of the band that likely exacerbates the interference we are experiencing.

The current request of ESMR carriers, as indicated in their recent comments in Docket 12-40, to further increase their ERP values and switch to Power Spectral Density units and higher Power Flux Density levels, while criticizing Public Safety networks for being “weak” and suggesting that Public Safety agencies must transition to more interference resistant devices, was discussed by the participants at length.

The balance between the Carriers need for coverage, additional capacity and indoor penetration, compared to life safety issues dependent on Public Safety systems being able to reliably communicate, was also considered by the conference participants.

While there was no definitive conclusion or decisions reached regarding the mitigation of the current and potential interference to 800 MHz Public Safety systems or the efficacy of requiring on-off interference testing on a nationwide or even local basis, there was a sense that voluntary cooperation between the Carriers and Municipalities would be mutually beneficial.

Pursuant to Section 1.1206 of the Commission’s rules, this letter is being filed electronically with your office.

Respectfully submitted,

/s/

Morton Leifer PE.